



ZONING ADMINISTRATOR PERMIT

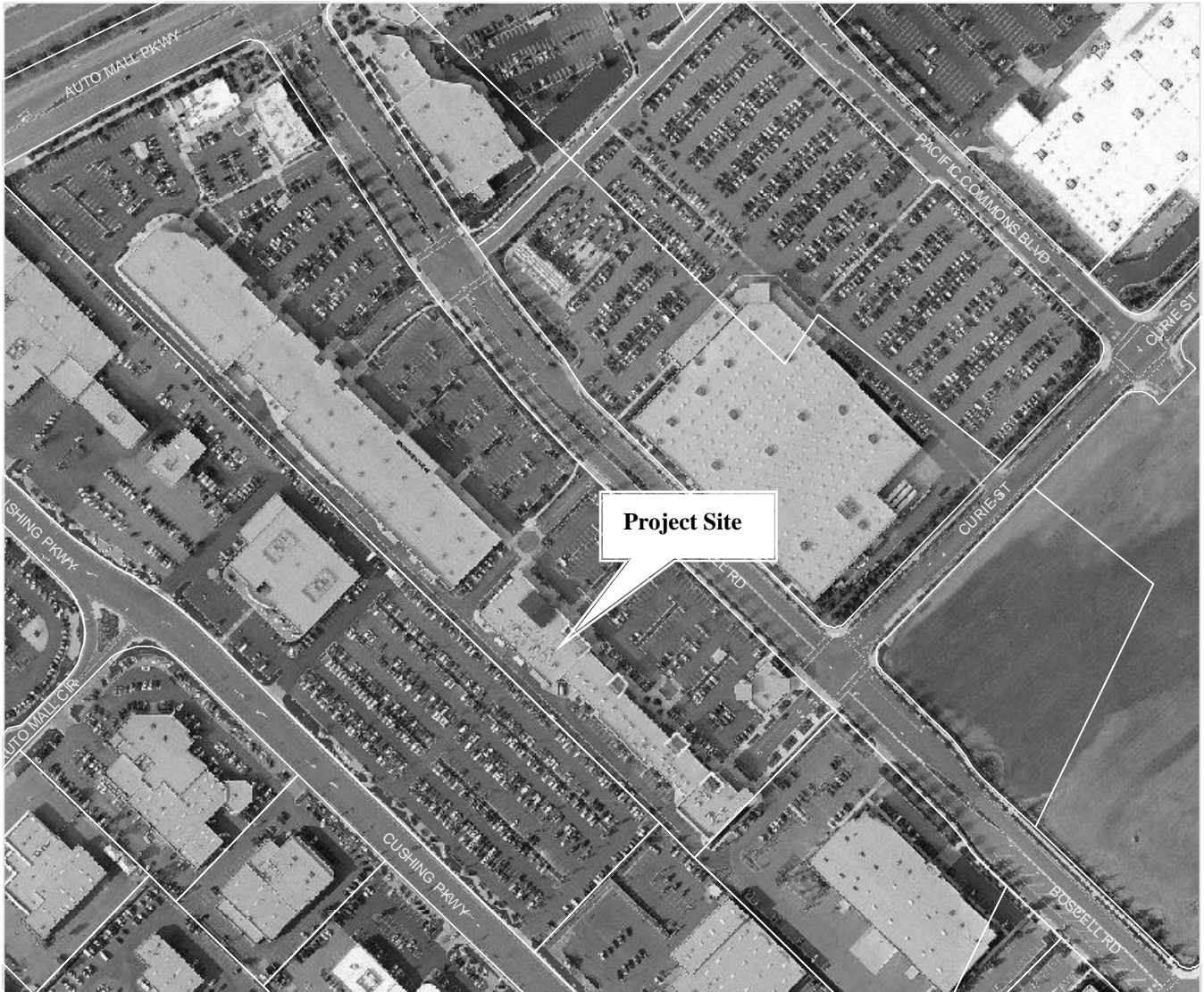
STAFF REPORT MARCH 21, 2011

Project:	ASIAN HUSTLE – (PLN2011-00133)
Proposal:	To consider a Zoning Administrator Permit for a Dance School.
Recommendation:	Approve, based on findings subject to conditions
Location:	43719-43725 Boscell Road in the Industrial planning area. APN 525-1670-015-00 (See aerial photo next page)
Area:	3,400 square foot existing tenant space on a 15.43-acre lot
People:	Hwa A-Lim, Applicant Sheena Chang, PC Retail Properties, LLC. Owner Tanu Jagtap, Staff Planner (510) 494-4537; tjagtap@fremont.gov
Environmental Review:	This project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15303 (New Construction or Conversion of Small Structures).
General Plan:	Restricted Industrial w/ Commercial – Industrial overlay
Zoning:	P-2000-214; Pacific Commons Planned District

EXECUTIVE SUMMARY:

The applicant is proposing to operate a dance studio and instruction facility within an existing vacant 3,400 square foot tenant space in Pacific Commons, within Planning Area 4. The project site is located in the Pacific Commons Planned District (P-2000-214), as amended by P-2003-166 and subsequently amended in 2010 (PLN2010-00114); services such as dance studio and dance instruction are subject to a Zoning Administrator Permit. Staff recommends that the Zoning Administrator approve the application subject to the conditions listed in Exhibit “B”.

Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Light industrial and retail commercial (P-91-18)
- South: Regional commercial (Pacific Commons; P-2000-114)
- East: Regional commercial (Pacific Commons; P-2000-114)
- West: Vacant industrial land (portion of Auto Mall; P-2008-190)

BACKGROUND AND PREVIOUS ACTIONS:

The subject building was constructed in 2007-2008. The building contains three separate suites, two of which are already occupied by retail businesses, and is part of Planning Area 4B of the Pacific Commons Planned District. In an effort to reduce vacancies in Pacific Commons, on March 2, 2010 the City Council approved a Planned District Major Amendment (PLN2010-00114) allowing a number of additional land uses to locate within the center which were not permitted under the original Planned District approval and limited uses such as dance school/studio to maximum of 7,700 square foot in Planning Area 4B. As per PLN2010-00114 services such as dance schools and studios require a Zoning Administrative Permit. The proposed use is the first of its kind in the Planning Area 4B and occupies 3,400 square foot tenant space. The subject tenant space is 43725 Boscell Road which was previously occupied as a retail store and has been closed since 2008. There is no history of planning entitlements associated with the tenant space.

PROJECT DESCRIPTION:

The applicant is proposing to operate a dance studio at 43725 Boscell Road in Planning Area 4 of Pacific Commons at the southeast corner of Boscell Road and Auto Mall Parkway. The dance studio will offer classes in all Ballroom, Swing (Salsa, Hustle and West coast Swing) and Club dances along with fitness classes such as Zumba, Line dances and Aerobics. The classes would be categorized as private instructions, dance classes for a group of 10 to 30 students and social practice party for seniors and others. The Practice party would involve an hour of complementary class and 2 hours of social practice.

Business hours will generally run from 9:00 AM to 9:00 PM seven days a week. The applicant expects to employ up to four (4) instructors.

The subject tenant space measures 3,400 square feet and is currently vacant. The applicant's floor plan features a reception area, office space and restrooms. No changes will be made to either the site or the exterior of the building.

PROJECT ANALYSIS:

General Plan Conformance:

The General Plan land use designation for the site is Restricted Industrial with a Commercial-Industrial Overlay. This land use designation is intended to allow for industrial uses whose daily operations typically have minimal impacts on neighboring properties, as well as various commercial uses which typically support such industrial businesses. When the Pacific Commons development was approved, it was understood that a wide variety of retail and service uses would occupy the development.

Pacific Commons shopping center offers a wide variety of retail and services; allowing the proposed dance studio to locate at the subject site would provide a convenient service that would be used by employees of the surrounding industrial area and the proposed use is compatible to the existing uses within the Pacific Commons Retail District. By locating in an already established retail center, the proposed business will serve to enhance the diversity of goods and services available to consumers

Zoning Regulations:

The project site is located within Planned District P-2000-214 (Pacific Commons), amended P-2003-166. This zoning district was established to allow for a variety of retail and service uses which serve the everyday and specialized needs of both the local community and the larger region as a whole.

Parking

The City computes the parking requirements for tenants in shopping centers not on an individual basis but rather by dividing the entire leasable floor area of the shopping center by one fixed rate. The parking requirement for shopping centers is one (1) space for each 250 square feet of gross leasable floor area. The area of Pacific Commons where the subject space is located (Planning Area 4) consists of nine buildings totaling a combined 171,330 square feet of commercial/retail space and containing 736 parking spaces. Per the City's parking requirements, the number of spaces needed for the buildings is 685, so there is a surplus of more than 51 spaces available in the immediate area. Furthermore, the amount of traffic typically generated by this dance school/studio does not differ significantly from retail or other personal service businesses. As such, parking availability on the site will not be significantly impacted by the introduction of the proposed use to this area of the shopping center.

Environmental Review:

This project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15303 (New Construction or Conversion of Small Structures).

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 31 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on March 8, 2011. A Public Hearing Notice was published by *The Tri-City Voice* on March 8, 2011.

In addition, one public hearing notice was mailed as a courtesy to interested parties.

ENCLOSURES:***Exhibits:***

- Exhibit "A" ["Site plan, floor plans, elevations"](#)
- Exhibit "B" ["Findings and Conditions"](#)

Informational Items:

1. [Applicant statement of propose operations.](#)

RECOMMENDATION:

1. Hold public hearing.
2. Find that PLN2011-00133 is categorically exempt from the California Environmental Quality Act per Guideline 15303, New Construction or Conversions of Small Structures;
3. Find that PLN2011-00133 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the Land Use and Local Economy Chapters of the General Plan as enumerated within the staff report; and
4. Approve PLN2011-00133, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

